



EPA Daily News Briefing

Bulletin
INTELLIGENCE

Online version available at epa.bulletinintelligence.com

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: WEDNESDAY, JANUARY 25, 2017 7:00 AM EST

TODAY'S EDITION

Climate Change

Trump Administration Instructs EPA To Remove Climate Change Page From Website. (REU, HILL)..... 1
In State Of The State Speech, Gov. Brown Vows To Continue Policies. (SACBEE, POLITICO)..... 2
Trump Administration, Brown Poised For Collision Course On Environmental Policy. (LAT, SFC, WP).. 2
California Businesses Look To Invalidate Carbon Pollution Fee. (AP)..... 2

Energy

Trump Orders Acceleration Of Environmental Reviews For Infrastructure Projects. (WP, WASHEX, NPR)..... 2

Environmental Justice

EPA Concludes 24-Year Old Report Into Racial Discrimination Surrounding Flint-Area Power Plant. (MLIVE, AP)..... 2

International

EU Poised To Exempt Foreign Airlines From Carbon Curbs Through 2020. (BLOOM)..... 3
Scotland Aims To Draw Half Its Energy From Renewables By 2030. (GUARD)..... 3
Scotland Mulls Forming State-owned Energy Company. (FT)..... 3

Other News

Federal Agencies Clamping Down On Release Of Public Information. (WP, REU, POLITICO, AP, USAT, EEPUB)..... 3
State Officials Working To Clarify Impact Of EPA Freeze On Grants, Contracts. (REU, BSUN, LCJ, FREEP, BIZINDER)..... 3
Perry Confirmation Delayed Because Democrats Want More Information On Energy-Efficiency Standards Positions. (FUELFIX, DMN,

POLMOREN, WP, BLOOMPOL, WASHEX, NBCNEWS)..... 4
Facing Tough Election Cycle, Trump's Cabinet Picks A Boost For Senate Democrats. (HILL)..... 4
Adams: Trump Energy Policy To Strike Fear Among Some Industries. (FORBES)..... 4
Additional Reading..... 4
Transition: Trump's 'Tornado-Like Force' At EPA. (GWIRE)..... 4
Trump's EPA Pick Bumbles From Washington State Onto National Stage. (SEATIMES)..... 4

Pesticides

Monsanto Product Alleged To Cause Resistant Weeds. (LAW360, SLPD)..... 4

Rules/Regulations/Policy

Agencies Withdraw 23 Rules From Federal Register. (HILL, WSJ)..... 5
SBA Administrator-Designate Linda McMahon Has Confirmation Hearing Before Senate Small Business Committee. (HILL)..... 5
Sen. Burr Reintroduces Bill To Exempt Amateur Racing Industry From EPA Regulations. (MCT)..... 5
Renewable Fuels Association Doesn't Expect Significant RFS Changes. (REU)..... 5
Additional Reading..... 5
Regulatory Freeze Puts Dozens Of EPA Rules In Limbo. (GWIRE)..... 5

Toxics/TSCA

TSCA Reform Bill Could Fail Without Congressional Action. (BLOOMBNA)..... 5

Water

Lead Levels In Flint Water System Test Below Federal Limits. (CBS, AP, NBC, WP)..... 6

CLIMATE CHANGE:

Trump Administration Instructs EPA

To Remove Climate Change Page From Website.

Reuters (1/24, Volcovici) reports that the Trump Administration has instructed the EPA to remove the climate change page from its website, according to two agency employees. The page contains “links to scientific global warming research, as well as detailed data on emissions.” One EPA staffer warned that once the goes dark, “years of work we have done on climate change will disappear.” The Hill (1/24, Firozi) reports that some employees “were moving quickly to save information from the website before it went dark and were hoping to convince the Trump administration to keep parts of it.”

In State Of The State Speech, Gov. Brown Vows To Continue Policies.

The Sacramento (CA) Bee (1/24, Cadelago, Koseff) reports that in his State of the State address Tuesday, California Gov. Jerry Brown warned that the state will fight back against “Republican-controlled Washington,” and sought to “assuage fears that California would turn its back on progressive policies.” Although he didn’t mention him by name, Brown targeted President Donald Trump in his speech, saying, “While no one knows what the new leaders will actually do, there are signs that are disturbing.” Politico (1/24, Siders, Marinucci) reports, “In promising to confront Trump on issues ranging from immigration to health care and the environment, Brown further entrenched California as an outpost of resistance, setting the tone for four years of politics in this heavily Democratic state.” Brown said, “Whatever they do in Washington, they can’t change the facts,” adding, “And these are the facts: The climate is changing, the temperatures are rising, and so are the oceans. Natural habitats everywhere are under stress.”

Trump Administration, Brown Poised For Collision Course On Environmental Policy.

Meanwhile, The Los Angeles Times (1/24, Myers) reports, “Oklahoma Atty. Gen. Scott Pruitt, the president’s choice to lead the U.S. Environmental Protection Agency, cast doubt last week on continued approval of California’s unique emissions rules for cars and trucks.” The San Francisco Chronicle (1/24, Lochhead) reports that during a Tuesday meeting with automakers, President Trump characterized environmental regulations as “out of control,” speaking just one “day after a leaked memo showed the administration would seek to halt several new

federal environmental regulations, including one limiting tailpipe emissions on vehicles that are critical to California’s efforts to fight climate change.” Also on Tuesday, Trump signed executive orders that could move the Dakota Access and Keystone XL pipelines forward. Since Trump’s inauguration Friday, “the White House has scrubbed the words climate change from its website and promised to embrace fossil fuels, including speeding energy development on public lands.” The Washington Post (1/24, Overly) reports that Safe Climate Campaign Director Daniel Becker said the standards save consumers money on gasoline costs and help lessen the county’s dependence on oil. Becker said, “Despite the rhetoric there is often reason behind regulations, and in this case there is overwhelming evidence of how beneficial they are for consumers, the industry and overall Americans.”

California Businesses Look To Invalidate Carbon Pollution Fee.

The AP (1/24, Cooper) reports on Tuesday, California businesses looking to invalidate the state’s carbon pollution fee presented their arguments to a state appeals court “in a case that could determine the future of one of California’s signature efforts to combat climate change.” California auctions off pollution permits quarterly to companies or investors that wish to hold onto the permits to sale to polluting companies that exceed their emissions cap. The California Chamber of Commerce and tomato processing company the Morning Star Packing Company, which is “required to buy carbon permits, filed separate lawsuits challenging the state’s authority to levy the fee.” Lawyers argued “that the 2006 law that underlies cap-and-trade never authorized the state to conduct an auction.” Meanwhile, “Even if the legislation, AB32, did allow an auction, they argue, it amounts to a tax increase that would require approval of two-thirds of the Assembly and Senate under the state constitution.” However, “AB32 did not reach that threshold.”

ENERGY:

Trump Orders Acceleration Of Environmental Reviews For Infrastructure Projects. The Washington Post (1/24, Fears) reports President Trump signed an executive order Tuesday to expedite

environmental reviews and approvals to fast track infrastructure projects. Agencies that undertake environmental and other analyses before greenlighting development should work with “maximum efficiency and effectiveness” to complete them. “As part of the order, the chair of the White House Council on Environmental Quality will decide whether a project should be given national priority within 30 days of a request, triggering an expedited approval process.” Trump’s move follows a day after placing a freeze on all EPA grants and contracts, “possibly suspending efforts to improve local air quality in some parts of the nation.” The [Washington Examiner](#) (1/24, Giaritelli) reports that the Commerce Department will work with the EPA, DOE, the USDA, the Office of Management and Budget and the Small Business Administration. “After the public comment period, an action plan to streamline permitting must be developed in 60 days, according to the memorandum.” [NPR](#) (1/24, Naylor) reported that the order, according to Trump will be targeted at “high-priority infrastructure projects.” Said Trump, “We can’t be in an environmental process for 15 years if a bridge is going to be falling down or if a highway is crumbling.”

ENVIRONMENTAL JUSTICE:

EPA Concludes 24-Year Old Report Into Racial Discrimination Surrounding Flint-Area Power Plant.

[MLive \(MI\)](#) (1/24, Fonger) reports that the EPA has concluded a 24-year old investigation into whether the Michigan Department of Environmental Quality “discriminated against residents living near the Genessee Power Station because of their race.” The EPA report concluded that “decisions were made...that resulted in African Americans being treated differently and less favorably than whites.” For example, “requests by black residents to speak in advance of public comment periods at meetings were denied while requests by whites to do the same were granted.” The [AP](#) (1/24) reports that the Michigan Department of Environmental Quality is denying allegations from the EPA that it hasn’t done enough to include minorities in the public participation process over permits. According to spokesman Michael Shore, those process have been expanded over the past 20 years to address EPA’s concerns.

INTERNATIONAL:

EU Poised To Exempt Foreign Airlines From Carbon Curbs Through 2020.

[Bloomberg News](#) (1/24, Krukowska) reports the EU’s European Commission is likely to present a draft law February 3 extending an exemption on foreign flights from its carbon market until 2020 after nations reached a deal to curb the growth of emissions from airlines. The current exemption, which began in 2012, would expire this year unless renewed.

Scotland Aims To Draw Half Its Energy From Renewables By 2030.

[The Guardian \(UK\)](#) (1/24, Carrell) reports the Scottish government “has taken the first steps to heavily cutting the country’s reliance on North Sea oil and gas after calling for 50% of Scotland’s entire energy needs to come from renewables” by 2030. After decades championing North Sea production, the move marks a “subtle but significant shift” for the Scottish National party. “Scottish ministers privately admit cutting oil use is their biggest challenge in hitting far tougher targets unveiled last week to reduce Scotland’s total greenhouse gas emissions by 66% by 2032.”

Scotland Mulls Forming State-owned Energy Company. The [Financial Times](#) (1/24, Thomas) reports as part of its latest energy strategy, the Scottish government is considering forming a taxpayer-owned energy company that could supply power on a not-for-profit basis.

OTHER NEWS:

Federal Agencies Clamping Down On Release Of Public Information.

The [Washington Post](#) (1/24, Eilperin, Dennis) reports, “Trump administration officials instructed employees at multiple agencies...to cease communicating with the public through news releases, official social media accounts and correspondence, raising concerns that federal employees will be able to convey only information that supports the new president’s agenda.” For example, the Post adds that the Environmental Protection Agency as well as the Agriculture and Interior departments “now have formal policies restricting what they should convey to the public about their work.” Environmental Working Group President Ken Cook “said in a statement that the

new restrictions were significant cause for concern.” [Reuters](#) (1/24) characterizes the media block as “actions that may have been designed to discourage dissenting views.”

[Politico](#) (1/24, Restuccia, Guillén, Cook) reports, “The steps ‘to mute federal employees – seen to varying degrees in the Environmental Protection Agency and the departments of the Interior, Transportation, Agriculture and Health and Human Services – are sparking early fears of a broader crackdown across the government, as Trump vows to pursue an agenda sharply at odds with his predecessor.” The [AP](#) (1/24, Biesecker, Flesher) reports that emails sent to EPA staff “and reviewed by the Associated Press detailed specific prohibitions banning press releases, blog updates or posts to the agency’s social media accounts.” Doug Ericksen, the communications director for Trump’s transition team at EPA, said that the new team is simply “trying to get a handle on everything and make sure what goes out reflects the priorities of the new administration.”

[USA Today](#) (1/24, King) says that spokespeople from HHS “called the reports overblown or flatly refuted them.” The EPA, however, “confirmed it was freezing such activity as well as new contracts and grants.” White House Spokesman Sean Spicer told the press that he was not familiar with any broad edict from the administration. [E&E Publishing](#) (1/24, Bravender) reports that is “unclear whether the directive came from Trump’s political team or EPA career officials.” According to the EPA press office in a statement released Tuesday, “A fresh look at public affairs and communications processes is common practice for any new Administration, and a short pause in activities allows for this assessment.”

State Officials Working To Clarify Impact Of EPA Freeze On Grants, Contracts.

[Reuters](#) (1/24, Volcovici, Valdmanis) reports that the Trump administration has ordered a freeze of all EPA contracts, grants, and interagency agreements. According to one EPA staffer, “basically no money moving anywhere until they can take a look.” The EPA funds billions of dollars worth of grants and contracts every year that help to “support round environmental testing, cleanups and research.” The [Baltimore Sun](#) (1/24) reports that Maryland officials are “working to clarify” what that might mean for state programs that are dependent on federal funds. The article

notes that “one-fourth of the Maryland Department of the Environment’s budget comes from federal funds, and EPA grants and contracts also fund nonprofit and foundation work to clean up the Chesapeake Bay and improve local air quality.”

The [Louisville \(KY\) Courier-Journal](#) (1/24, Bruggers) reports that the EPA’s spending freeze “could potentially have big implications in Louisville and across Kentucky and Indiana.” Over the past decade, the EPA has awarded more than \$600 million in nearly 400 grants aimed at supporting Kentucky projects that improve drinking water systems, academic research, air quality monitoring and natural habitat improvements.

The [Detroit Free Press](#) (1/24, Spangler) reports Michigan lawmakers want to know whether “a reported freeze on all new Environmental Protection Agency grants and contracts” under the new Administration “will impact \$100 million approved late last year to help Flint in the wake of its water crisis.” The article notes that “any broad freeze on grants could potentially impact Flint’s funding under the legislation passed in December,” but says it’s “unlikely to halt it altogether,” given the specificity of the bill’s language.

[Business Insider](#) (1/24, Letzter) reports that “EPA’s core missions is to protect Americans from poisons and other dangers in their air, water, and soil.” Much of that work is undertaken by contractors hired by the EPA who perform services like water-quality testing and cleanups, so with all new grants and contracts frozen, it is unclear how the agency will continue to perform its stated goal.

Perry Confirmation Delayed Because Democrats Want More Information On Energy-Efficiency Standards

Positions. In continuing coverage, [Fuel Fix \(TX\)](#) (1/24) reports the confirmation vote for former Texas Gov. Rick Perry to head the Energy Department and Rep. Ryan Zinke to lead the Department of the Interior has been delayed. Perry appeared before the Senate Energy and Natural Resources Committee “last week in a light-hearted hearing” where he “apologized for a past statement that the Department of Energy should be abolished.” Similarly, Zinke had a “low-key appearance when he appeared before the committee.”

The [Dallas Morning News](#) (1/24, Lovegrove)

reports congressional officials anticipate “the vote to come up likely next week, as Democrats reportedly want more information about how Perry will handle energy efficiency standards.” The “Morning Energy” blog of [Politico](#) (1/24) reported that with “the Congressional Republicans’ annual retreat later this week,” the votes will not “come until next week at the earliest.”

The [Washington Post](#) (1/24, Weigel, O’Keefe), [Bloomberg Politics](#) (1/24, Litvan), the [Washington Examiner](#) (1/24), and [NBC News](#) (1/24) website also note the delayed votes.

In a piece about the delays on confirmation votes for cabinet nominees, Ed O’Keefe noted the postponed votes on both Perry and Zinke for the [Washington Post](#) (1/24, O’Keefe). O’Keefe calls the delays “unprecedented.”

Facing Tough Election Cycle, Trump’s Cabinet Picks A Boost For Senate Democrats.

[The Hill](#) (1/24, Hagen) reported that the cabinet selections of President Trump “have given Democrats a few bright spots ahead of an otherwise grim 2018 Senate cycle.” Facing reelection next year, North Dakota Sen. Heidi Heitkamp (D) and West Virginia Sen. Joe Manchin (D), “both of whom Trump had considered for administration roles, will remain in the upper chamber.” Manchin was being considered for the energy secretary post, which ultimately went to Perry. In addition, Rep. Ryan Zinke (R), who had been viewed as “a top” potential challenger to Montana Sen. Jon Tester (D) in 2018, “has been tapped to serve as Interior secretary.” Jim Manley, a former aide to ex-Senate Minority Leader Harry Reid, told [The Hill](#), “Given the number of Democrats up [for reelection in 2018], I don’t expect Democrats to catch a lot of breaks, but they sure did in this particular instance.”

Adams: Trump Energy Policy To Strike Fear Among Some Industries. In a piece titled “Trump’s Energy Policy Is Scary,” [Forbes](#) (1/24) contributor Rod Adams writes, “Trump’s plan for American energy strength is rightfully causing angst” for those “who believe that renewable energy is the inevitable path” and “even more fear among the people who are betting on fossil fuel to continue dominating the world’s economy and geopolitics.” Based on statements made during the Senate confirmation hearings of Perry and EPA Administrator-designate Scott Pruitt, “it appears that we are headed for an era of cheap and abundant power.” Adams contends that the “eventual and almost inevitable result” of a true “all of the above” energy policy “should be a

sustainable transition to cheap, abundant, emission-free uranium, plutonium and thorium.” The prospect “that this vision might come to pass” is a frightening possibility “for those who continue to bet their wealth, power and careers on the assumption that the hydrocarbon economy will never end or on the myth that unreliaables can do it all.”

Additional Reading.

- ***Transition: Trump’s ‘Tornado-Like Force’ At EPA.*** [Greenwire](#). (1/25, Bravender)
- ***Trump’s EPA Pick Bumbles From Washington State Onto National Stage.*** [Seattle Times](#). (1/24)

PESTICIDES:

Monsanto Product Alleged To Cause Resistant Weeds.

[Law360](#) (1/24, Parker) reports that environmental groups are asking the Ninth Circuit to rule against the EPA approval of a new Monsanto herbicide. The groups allege that the product may lead to “superweeds” that are resistant to both Roundup and the new herbicide.

The [St. Louis Post-Dispatch](#) (1/25, Doley) contributor Nathan Doley writes about Monsanto’s recent lawsuit over dicamba contamination in Missouri that “damaged more than 40,000 acres of other crops, including peaches, tomatoes, alfalfa, cantaloupes, watermelons, rice, peas, peanuts and alfalfa.” While Monsanto has been able to argue that the damage was caused by illegal spraying, Doley writes that Monsanto “has a harder time dodging responsibility for the rise of the superweed epidemic that created the need for the new herbicides.”

RULES/REGULATIONS/POLICY

:

Agencies Withdraw 23 Rules From

Federal Register. [The Hill](#) (1/24, Devaney) reported that amid President Trump’s moratorium on regulations, agencies on Tuesday posted 23 notices in the Federal Register stating their intent “to withdraw regulations from the government’s rulebook.” The regulations include “an Environmental Protection Agency (EPA) rule that limits mercury discharges from dentists, the Energy Department’s efficiency standards for federal buildings, and poverty guidelines from the

Department of Health and Human Services.” The postings follow White House Chief of Staff Reince Priebus’ warning to agencies Friday “not to issue any more regulations until the new administration has a chance to review the rules” and to “withdraw rules that had been sent to, but not yet published in the Federal Register.” However, Tuesday’s notices “seem to include various rules, proposed rules and guidelines that have already been published.”

In an op-ed for the [Wall Street Journal](#) (1/24, McCarthy), House Majority Leader McCarthy cites Trump’s declaration during his inaugural address that “we are transferring power from Washington, D.C., and giving it back to you, the people,” and writes that the House has begun to do that by targeting the Federal bureaucracy, which he casts as a threat to the American people, economy, and Constitution. McCarthy goes on to describe the steps the House is taking to take away the bureaucracy’s power.

SBA Administrator-Designate Linda McMahon Has Confirmation Hearing Before Senate Small Business Committee.

Under the headline, “McMahon Dodges Smackdown From Small Business Committee,” [The Hill](#) (1/24, Wheeler) reports that Linda McMahon recounted many of her early business struggles, and told a story of how she and her husband recovered from an early bankruptcy. Committee Chairman James Risch called McMahon’s testimony “heartbreaking,” and said he was confident she has the necessary small-business experience to lead the SBA. Members of the committee asked McMahon largely friendly questions about how she would help Native American small business owners, young entrepreneurs, and improve federal contracting goals for hiring minority-, veteran-, and women-owned small businesses. McMahon said she would identify specific regulations that have a negative impact on small business owners and work to repeal them, but she was reluctant to promise Sen. Mike Rounds that she would be willing to call for a repeal of the EPA’s Waters of the United States rule.

In yet another story, [The Hill](#) (1/24, Wheeler) reports that when asked whether she’ll push the EPA to repeal the Waters of the United States Rule, McMahon said, “I’d like to find the most effective way to put teeth in the [SBA’s] Office of Advocacy and if that’s the best way to do so, I

look forward to working with you.” Sen. Mike Rounds asked, “So can I take that as an almost yes?” The Hill says McMahon “simply smiled, and told Rounds she looked forward to working with him.”

Sen. Burr Reintroduces Bill To Exempt Amateur Racing Industry From EPA Regulations.

The [McClatchy](#) (1/24, Douglas) reports that North Carolina Sen. Richard Burr (N.C.) reintroduced legislation aimed at permanently blocking the EPA from enforcing anti-pollution regulations on the amateur and hobbyist car racing industry. Said Sen. Burr, “The Obama EPA attempted to tell the American people what they can do with their own cars, even though there is a deep tradition of hobbyists who have chosen to upgrade their vehicles when they are removed from public roads.”

Renewable Fuels Association Doesn’t Expect Significant RFS Changes.

[Reuters](#) (1/24) reports that on Tuesday, the Renewable Fuels Association said that it is not expecting the EPA’s Renewable Fuels Standard to be significantly changed, despite a procedural delay that has held up implementation of the program’s renewable volumes obligations. Renewable Fuels Association President Bob Dinneen said, “The deadline by which obligated parties must demonstrate compliance with the 2017 RVO is unaffected by this action, and we do not expect this postponement to result in any substantive changes to the contents of 2017 RVO rule itself.”

Additional Reading.

- **Regulatory Freeze Puts Dozens Of EPA Rules In Limbo.** [Greenwire](#). (1/24) (Unknown Date)

TOXICS/TSCA:

TSCA Reform Bill Could Fail Without Congressional Action.

[Bloomberg BNA](#) (1/25, Rizzuto) reports that the Lautenberg Act, which amended TSCA and “passed both chambers with near unanimous, bipartisan support” may not get approved after all if “congressional inertia” prevents either body of Congress from voting on the new chemical rules within the deadlines imposed by a new House-approved regulatory oversight bill.

WATER:

Lead Levels In Flint Water System Test Below Federal Limits.

The [CBS Evening News](#) (1/24, story 10, 0:25, Pelley) reported Michigan officials on Tuesday announced that the lead levels in Flint's water system tested beneath the federal action level limit for the first time in almost three years. The [AP](#) (1/24, Eggert) reports that based on the sample of 368 residential sites, Flint tested in "the 90th percentile of lead concentrations...at 12 parts per billion," which is "comparable to other similarly sized U.S. cities with older infrastructure." The announcement drew skepticism from some residents "whose mistrust in government remains high nearly three years after a fateful switch of Flint's water source in April 2014." [NBC Nightly News](#) (1/24, story 5, 0:20, Holt) reported Flint residents must continue to filter their water until the older lead pipes are replaced.

The [Washington Post](#) (1/24, Berman, Dennis) reports Mona Hanna-Attisha, a pediatrician who helped uncover and call attention to the city's water crisis, cautioned that existing regulations are too "weak" to ensure continued lead-free water, and warned health risks still exist because of the presence of thousands of lead pipes in Flint's water system. "It is nowhere near the end of the story," Hanna-Attisha explained, and residents will not likely regain trust until the pipes are replaced--an infrastructure project expected to take years to complete. On Tuesday, Michigan Gov. Rick Snyder called the water testing results "one more step along the path toward Flint's future" but conceded, "There is still more work to do in Flint, and I remain committed to helping the residents recover and restore their city."

Copyright 2017 by Bulletin Intelligence LLC

Reproduction or redistribution without permission prohibited. Content is drawn from thousands of newspapers, national magazines, national and local television programs, radio broadcasts, social-media platforms and additional forms of open-source data. Sources for Bulletin Intelligence audience-size estimates include Scarborough, GfK MRI, comScore, Nielsen, and the Audit Bureau of Circulation. Services that include Twitter data are governed by Twitters' [terms of use](#). Services that include Factiva content are governed by Factiva's [terms of use](#). The EPA Daily News Briefing is published five days a week by Bulletin Intelligence, which creates custom briefings for government and corporate leaders. We can be found on the Web at BulletinIntelligence.com, or called at (703) 483-6100.